

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JOSHUA CONKLIN,

Plaintiff,

**9:14-cv-1098
(GLS/CFH)**

v.

SERGEANT M. BOWEN et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Joshua Conklin
Pro Se
16-A-1104
Downstate Correctional Facility
Box F
Fishkill, NY 12524

FOR THE DEFENDANTS:

HON. ERIC T. SCHNEIDERMAN
New York State Attorney General
The Capitol
Albany, NY 12224

JAMES SEAMAN
Assistant Attorney General

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report-
Recommendation and Order (R&R) by Magistrate Judge Christian F.

Hummel, duly filed on April 25, 2016. (Dkt. No. 41.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

In a letter dated May 20, 2016 and received May 26, 2016, plaintiff *pro se* Joshua Conklin asked the court to “grant [him] some extra time” presumably to file appropriate objections to the R&R. (Dkt. No. 44.) That same letter fails to make any objection to the R&R itself, but offers some reasons why he may be unable to pay the \$450 sanction recommended by Judge Hummel. (*Id.*)

Because of Conklin’s failure to update his address, the copy of the R&R mailed to him by the court on April 25, 2016 was returned as undeliverable. (Dkt. No. 42.) In response to the postal notification, the court mailed the R&R to an address it obtained from the Department of Corrections and Community Supervision website and *sua sponte* extended the objection deadline. (Dkt. No. 43.) Conklin failed to submit any objections within the new deadline, and, as such, the R&R is reviewed only for clear error. *See Almonte v. N.Y. State Div. of Parole*, No. Civ. 904CV484GLS, 2006 WL 149049, at *3, *5 (N.D.N.Y. Jan.18, 2006). After carefully reviewing the R&R for clear error and finding none, it is adopted in

its entirety.

Accordingly, it is hereby

ORDERED Conklin's letter request seeking additional time to file objections (Dkt. No. 44) is **DENIED**; and it is further

ORDERED that the R&R (Dkt. No. 41) is **ADOPTED** in its entirety; and it is further

ORDERED that defendants' motion to dismiss for failure to prosecute or, alternatively, for sanctions (Dkt. No. 37) is **GRANTED IN PART** and **DENIED IN PART** as follows:

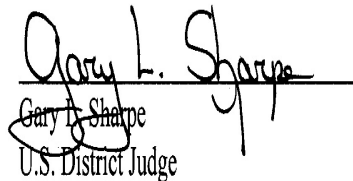
GRANTED to the extent that Conklin shall pay defendants' counsel \$450.00 within ninety (90) days from the date of this Order; and

DENIED in all other respects; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules.

IT IS SO ORDERED.

July 27, 2016
Albany, New York


Gary L. Sharpe
U.S. District Judge